

REMARKS

Claims 11-16 and 23-28 are canceled without prejudice, and new claims 29-41 are added. The new claims are fully supported in the specification as originally filed and contain no new matter. Applicants have also amended the specification to correct a typographical error.

New claims 29-41 recite methods. Applicants are mindful that M.P.E.P. 706.07(h) VIII states that applicant cannot switch inventions (divisional equivalent) in an RCE as a matter of right. It is applicants' understanding, however, that the Examiner, in the telephonic interview of October 30, 2002, stated that he would permit this, that is, permit method claims to be submitted in an RCE, as applicants' now submit. However, if applicants have misunderstood the Examiner's statement, applicants have also filed an After Final Amendment on November 25, 2002, responding to the final Office Action.

Applicants thank the Examiner for the courtesy of the previously-mentioned interview with applicants' undersigned representative.

Attached hereto is a marked-up version of the changes made to the claim by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made".

CONCLUSION

Applicants enclose a check for \$740.00 for the Request for Continued Examination fee. Should any additional fees or surcharges be deemed necessary, the Examiner has authorization to charge fees or credit any overpayment to Deposit Account No. 23-3000.

The Examiner is invited to telephone the undersigned attorney if there are any questions or issues.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph on page 15, line 17, to page 16, line 2, has been replaced as follows:

Once a user has loaded the autostaining apparatus, the user may start staining run. Figure 8A illustrates the general procedure of operating the autostaining device. Referring to Figure 8A, the user loads a slide/stain tray at step 801. The user then starts the apparatus by pressing the restart or stat button at step 802. The autostaining apparatus then examines all the slides to determine the slide protocols that must be performed at step 803. The system may compare a barcode sticker [402] 420 on a slide with a barcode 411 on the cover 410 of an adjacent reagent pack to ensure that the proper reagent pack has been placed next to each slide. After examining all the slides and reagent packs, the system creates a staining schedule. Details on how the staining apparatus creates the staining schedule will be presented in the following section.

IN THE CLAIMS:

Claims 11-16 and 23-28 are canceled without prejudice.

New claims 29-41 are added.

